

1 CHASSMAN & SEELIG, LLP  
2 MARK B. CHASSMAN (SBN 119619)  
3 RHONDA E. KALEY (SBN 138546)  
4 350 South Figueroa Street  
5 Suite 580  
6 Los Angeles, CA 90071  
7 Telephone: (213) 626-6700  
8 Facsimile: (213) 626-5111

9 Attorneys for Defendant  
10 M. Rothman & Co., Inc.

11 UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 CREDITORS ADJUSTMENT  
14 BUREAU, INC.,

15 Plaintiff,

16 vs.

17 M. ROTHMAN & CO., INC.,

18 Defendant.

Case No: C 08-01431 MMC

Assigned to: Hon. Maxine M. Chesney  
Dept. 7

**STIPULATION AND [PROPOSED]  
ORDER DISMISSING CASE BY  
CONSENT**

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20 IT IS HEREBY STIPULATED by and between the parties, through their  
21 respective counsel of record, that the above-entitled action be dismissed on the  
22 following terms based upon a Consent Order in the Superior Court of New Jersey  
23 (Bergen County Docket No. L-0289-07) ("Consent Order") relating to the final  
24 resolution of the legal and equitable claims and defenses by between plaintiff's  
25 assignor, Hannspree North America, Inc. (formerly Hannspree California, Inc.) and  
26 defendant M. Rothman & Co., Inc.:

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1           1.     The above entitled action shall be dismissed with prejudice as  
2 to all pending procedural matters currently pending in the U.S. District Court for  
3 the Northern District of California, including, but not limited to, Rothman's motion  
4 to dismiss plaintiff's complaint under Rule 12(b)(6) of the Federal Rules of Civil  
5 Procedure and Creditors Adjustment Bureau Inc.'s motion to compel arbitration or,  
6 in the alternative, to stay proceedings pending completion of arbitration, both of  
7 which are set for hearing on May 30, 2008 in Department 7 of this Court.

8           2.     The above-entitled action shall be dismissed without prejudice  
9 to the rights of plaintiff's assignor, Hannspree North America, Inc., to continue to  
10 litigate its substantive claims and defenses arising out of, relating to, or connected  
11 with the business relationship between Hannspree and M. Rothman & Co. in the  
12 Superior Court of New Jersey (Bergen County), including, but not limited to, all  
13 claims previously asserted by Rothman in the New Jersey case and by Hannspree,  
14 through its assignee, in the California case as agreed under the New Jersey Consent  
15 Order.

16           3.     The parties stipulate and submit that the dismissal of this action  
17 as set forth above is in the best interests of the parties and promotes judicial  
18 economy.

19           4.     All previously scheduled hearings in this Court which are  
20 pending as a matter of record, including, but not limited to, the Initial Case  
21 Management Conference (CMC) set for June 27, 2008 at 10:30 a.m. in  
22 Courtroom 7, are hereby vacated.

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1                   5. Each party shall bear its own costs and attorneys' fees relating  
2 to and arising out of the California action.

3  
4 Dated: May 13, 2008

LAW OFFICES OF KENNETH J. FREED

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6 BY: 

KENNETH J. FREED, ESQ.

Attorneys for Plaintiff,

7 CREDITORS ADJUSTMENT BUREAU, INC.  
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9  
10 Dated: May 15, 2008

CHASSMAN & SEELIG, LLP

11  
12 BY: 

RHONDA E. KALEY, ESQ.

Attorneys for Defendant,

13 M. ROTHMAN & CO., INC.  
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17 ORDER

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19 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
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22 DATED: \_\_\_\_\_

\_\_\_\_\_  
23 HON. MAXINE M. CHESNEY  
24 U.S. DISTRICT COURT JUDGE  
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PROOF OF SERVICE

STATE OF CALIFORNIA )  
 )  
 COUNTY OF LOS ANGELES )

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is: 350 South Figueroa Street, Suite 580, Los Angeles, California 90071-1102.

On May 1<sup>st</sup>, 2008, I served the foregoing documents described as **STIPULATION AND [PROPOSED] ORDER DISMISSING CASE BY CONSENT** on the interested parties in this action by placing a true copy thereof enclosed in a sealed, prepaid envelope addressed as follows:

Kenneth J. Freed, Esq.  
 Law Offices of Kenneth J. Freed  
 14226 Ventura Boulevard  
 P.O. Box 5914  
 Sherman Oaks, CA 91413


X (BY MAIL) I caused such envelope to be deposited in the mail at Los Angeles, California. I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of a party served, service is presumed invalid if the postal cancellation date or postage meter date is more than 1 day after the date of deposit for mailing in affidavit.

\_\_\_\_ (BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

Executed on May 1<sup>st</sup>, 2008 at Los Angeles, California.

X (FEDERAL) I declare under penalty of perjury under the laws of the United States of America that I am employed in the office of a member of the bar of this court at whose direction the service was made.

MARIBEL SANTOS  
 NAME

  
 SIGNATURE